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DIGIMARC CORPORATION
9405 SW GEMINI DRIVE
BEAVERTON, OR 97008

EXAMINER
LEMMA, SAMSON B

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/864,084
Filing Date: May 22, 2001
Appellant(s): SEDER ET AL.

Steven W. Stewart
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/29/2005 appealing

from the Office action mailed 06/02/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, and judicial

proceedings which may be related to, directly affect or be directly affected by or have a

bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is substantially correct.

The changes are as follows:

>   **Claims allowed: 10-17, 19-23, 31-38**

>   **Claims rejected: 1-4, 8-9 and 24-29**

(4) Status of Amendments After Final

No amendment after final has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Prior Art of Record

U.S. Patent No. 6,631404 Philyaw Patent Date: 10/7/2003 and Filed On

05/11/2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

2.   **Claims 1-4,8-17,19 and 24-29** are rejected under 35 U.S.C. 102(e) as being

anticipated by **Philyaw** (hereinafter **Philyaw**) (U.S. Patent No. 6,631,404).

3.   **As per claim 1 Philyaw** discloses a method of regulating access to a website by a

user terminal via the internet, (Figure16 and figure 25)

•   The user terminal reading a document including an embedded digital

watermark, (column 27, lines 18-23) said method comprising the steps of:

•   At the user terminal, extracting identifying data from the digital watermark,

(column 26, lines 58-column 27, line 2; column 27, lines 18-23) and

•   Providing the identifying data to a central computer; (Column 28, lines 11-

23; figure 25, ref. Num "2510") (Central computer is met, reference computer "2510"

which is shown on figure 25, ref. Num "2510")

At the central computer:

•   Identifying a pointer associated with the identifying data; (Column 28, lines

35-39; column 28, lines 39-63)

- Generating a validation key; and providing the pointer and the validation key to the user terminal; (Column 28, lines 64-67; column 29, lines 1-18)

- Encoding the validation key through at least one of I) hashing ii) rotating and iii) converting the validation key to alpha-character and then adjusting the characters according to a code key; [column 30, lines 10-14]. (Philyaw on column 30, lines 10-14, discloses the following, "In cases where the RMP 2802 includes sensitive information, or where the contest sponsors wish to reduce the possibility of cheating or fraud, at least a portion of the RMP 2802 is encrypted using data encryption techniques known in the art" and this meets the limitation of the techniques of encoding that appellant recites as hashing, rotating or converting.)

    At the user terminal,

- Communicating with the website via the pointer and providing the validation key to the website; (Column 30, lines 14-30; figure 25, ref. Num "2516") (website is met, figure 25, target location "2516") and
At the website,

- Regulating access to the website by the user terminal based at least in part on the validation key.(Column 30, lines 66- column 31, line 5)

4.   **As per claim 10 Philyaw** discloses a method of authenticating permission to access a system comprising the step of:

- Receiving a request to enter the system, the request including at least a validation key; (Column 30, lines 66-column 31, lines 5; Column 31, lines 5-39)

- **Determining whether the validation key is valid**; [column 30, 66-column 31, line 5; column 31, lines 5-39) **wherein the validation key comprises a time stamp and said determining determines whether the time stamp comprises a predetermined format;** [column 31, lines 12-15] (As explained on column 31, lines 12-15, Philyaw recites the following "then determining whether the VEMP 3002 constitutes an accepted entry will comprise evaluating the supplemental validation data 3006 for time stamp information relating to the time the UEMP was received at the reference computer." Thus the time stamp will inherently contains its own format. Therefore this meets the limitation of a "predetermined format") **and**

- **Allowing access to the system based on a determination of said determining step.** (Column 30, lines 66-column 31, lines 5; Column 31, lines 5-39)

5.   **As per claim 24 Philyaw** discloses a system for exchanging data comprising:

- A central server comprising at least one database including pointer information, (Figure 25, ref. Num "2510"; figure 25, ref. Num "2512";) (Central computer or central server is met the "reference computer" shown on figure 25, ref. Num "2510" and the database is met the database or "DB" shown on figure 25, ref. Num "2512") wherein

- When a user terminal communicates an extracted watermark identifier to said central server, said central server identifies a corresponding pointer associated with the extracted watermark identifier, (Column 28, lines 35-39; column 28, lines 39-63; column 27, lines 18-23; column 28, lines 11-23; figure 25, ref. Num "2510") and wherein

- Said central server generates a validation key including at least one of a random and pseudo-random number, and encodes the validation key, and

wherein said central server appends the validation key to the corresponding

pointer, and communicates the pointer and validation key to the user

terminal.(Column 30, lines 8-19; column 32, lines 66-column 33, line 5)

6.   **As per claims 2 and 16** **Philyaw** discloses the method as applied to claims 1 and 10

above. Furthermore **Philyaw** discloses the method wherein the identifying data comprises a

document identifier. (column 27, lines 18-23; column 25, lines 19-29)

7.   **As per claims 3, 25,** **Philyaw** discloses the method as applied to claims 2, 24 and

claim 31 above. Furthermore **Philyaw** discloses the method wherein the pointer comprises at

least one of a URL, IP address and web address. (Column 28, lines 59-63; column 32, lines 65-

67)

8.   **As per claims 4, 11 and 26,** **Philyaw** discloses the method as applied to claims 2, 10

and 25 above. Furthermore **Philyaw** discloses the method wherein the validation key

comprises a date-time value. (Column 30, lines 55-61)

9.   **As per claims 8 and 27-29,** **Philyaw** discloses the method as applied to claims 1 and

24 above. Furthermore Philyaw discloses the method further comprising the step of

encoding the validation key wherein the encoding comprises at least one of hashing,

encrypting, and rotating. (Column 30, lines 10-14)

10.   **As per claim 9,** **Philyaw** discloses the method as applied to claims 1, 20, 24 and 32

above. Furthermore **Philyaw** discloses the method wherein the validation key comprises

at least one of a time stamp, a predetermined number, and a pseudo-random

number.(Column 30, lines 55-61)

11.   **As per claim 12**, **Philyaw** discloses the method as applied to claim 10 above.

Furthermore **Philyaw** discloses the method further comprising the step of decoding the

validation key. (column 30, lines 17-19)

12.   **As per claims 13-15**, **Philyaw** discloses the method as applied to claim 10 above.

Furthermore **Philyaw** discloses the method said determining further determines

whether the timestamp is stale. (column 30, lines 55-61;column 33, lines 1-16)

13.   **As per claim 17**, **Philyaw** discloses the method as applied to claim 10 above.

Furthermore **Philyaw** discloses the method further comprising determining whether the

validation key comprises a valid value.(Column 33, lines 1-15)

14.   **As per claim 19**, **Philyaw** discloses the method as applied to claim 10 and claim 21

above. Furthermore **Philyaw** discloses the method wherein the request includes a URL and the

validation key is appended to the URL. (Column 32, lines 66-column 33, line 5)

Allowable Subject Matter

15.   Appellant argument with respect to independent **claims 10, 20, 31 and 38** are found to

be persuasive. Therefore, claims **10-17, 19-23, 31-38** are allowed.

(10) **Response to Arguments**

Referring to independent claims 1, Appellant argued that the claim recites that the

central server encodes the validation key through at least one of I) hashing ii) rotating and iii)

converting the validation key to alpha-character and then adjusting the characters according to

a code key, which is not taught or suggested by the reference on the record, "Philyaw"

Examiner disagrees with this argument. Philyaw discloses the following, "In cases

where the RMP 2802 includes sensitive information, or where the contest sponsors wish to

reduce the possibility of cheating or fraud, at least a portion of the **RMP 2802 is encrypted using data encryption techniques known in the art"** and **this meets limitation of the techniques of encoding that Appellant recites as hashing, rotating or converting.** [column 30, lines 10-14].

Referring to independent claims 24, Appellant argued that this claim recites a central server generating a validation key including at least one of a random and pseudo-random number, in combination with its other features and Appellant argued these feature of the limitation Philyaw is not understood to taught or suggested by Philyaw, reference on the record.

Examiner disagrees with this argument. Philyaw indeed has disclosed the following , "As another example, if the contest rules require entries to be submitted within a certain period of time following identification of the selected article of commerce 2522, then the supplemental validation data 2804 in the RMP 2802 may comprise time-stamp information indicating the time at which the UEMP 2602 was received at the reference location 2510. As yet another example, if it is desired to "echo back" information received in the UEMP 2602 to the user, then the supplemental validation data 2804, and/or the additional data 2806 may include the article code 2604, user code 2606, which is unique number as shown on figure 29, 2606 and **this unique number is equivalent to the a random number/pseudo-random number.** This is because the random number will also be unique) [Column 29, lines 35-63]

Therefore every elements of the limitation of the independent claims 1 and 24 are disclosed by the reference on the record and the rejection remains valid.

Appellant last argument is regarding the dependent claims, that are depending on to the respective independent claims 1 and 24.

Appellant argued that since the independent claims are allowable therefore all the claims dependent thereon are also in condition for allowance for the same reasons argued for the independent claims.

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In response to the above argument by the Appellant, the examiner replies that the
~~stand or fill with the~~ (handwritten)
respective dependent claims 2-4,8-9 and 25-29 ~~are withstand to the above traversals of the~~ 6A (handwritten)

independent claims.

(11)   Related Proceedings(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences of this examiner's answer.

For the above reason, It is believed that the rejection should be sustained.

Respectfully submitted,

Samson Lemma (Examiner)
S.L.
01/25/2006

Conferees

GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Gilberto Barron. (SPE)

Kim Vu. (SPE)